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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT COURT OF CALIFORNIA**

10 CHRIS A. WORTMAN

Case No.: 14-4567

Plaintiff.

v

THE UNITED STATES OF AMERICA;
ERIC HOLDER, as United States Attorney
General; JAMES B. COMEY, as Director of
the Federal Bureau of Investigation; and
KAMALA HARRIS, as California Attorney
General

Defendant.

**COMPLAINT AND REQUEST FOR
INJUNCTIVE/DECLARATORY RELIEF**

VIOLATIONS OF THE FIRST, SECOND, FIFTH, AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

18 U.S.C. § 921 *et seq.*

18 U.S.C. § 922 *et seq.*

18 U.S.C. § 925A *et seq.*

18 U.S.C. § 1983, 1988 *et seq.*

PARTIES

1. Plaintiff CHRIS A. WORTMAN (Mr. Wortman) is an individual who is a citizen/resident of the State of California. Mr. Wortman lives in Santa Cruz County, California.
2. Defendant The UNITED STATES OF AMERICA is charged with interpretation and enforcement of 18 U.S.C. §§ 921 *et seq.* and 922 *et seq.*

- 1
- 2 3. Defendant ERIC HOLDER is the United States Attorney General and is charged with
- 3 interpretation and enforcement of 18 U.S.C. §§ 921 *et seq.* and 922 *et seq.*
- 4 4. Defendant JAMES B. COMEY is the Director of the Federal Bureau of Investigation and is
- 5 charged with interpretation and enforcement of 18 U.S.C. §§ 921 *et seq.* and 922 *et seq.*
- 6 5. Defendant KAMALA HARRIS is the California Attorney General and is charged with
- 7 interpretation and enforcement of 18 U.S.C. §§ 921 *et seq.* and 922 *et seq.*

JURISDICTION AND VENUE

- 8 6. This Court has jurisdiction over the lawsuit because the action arises under 18 U.S.C. §§ 921
- 9 *et seq.*, 922 *et seq.*, and 925A.
- 10 7. As this action arises under the United States Constitution this Court also has jurisdiction
- 11 pursuant to 28 U.S.C. § 1331.
- 12 8. As the Plaintiff is seeking declaratory relief, this Court has jurisdiction over this action
- 13 pursuant to 28 U.S.C. §§ 2201 and 2202.
- 14 9. Venue for this action is properly in this District pursuant to 28 U.S.C. §1391.
- 15 10. All conditions precedent, including exhaustion of administrative remedies where required,
- 16 have been performed, have occurred, or are futile or unnecessary where the government
- 17 infringes on a fundamental right.

FACTS

- 19 11. The State of California works in conjunction with the Federal Government to interpret statutes
- 20 and implement regulations that restrict the "right to keep and bear arms" of people convicted
- 21 of Misdemeanor Crimes of Domestic Violence.
- 22 12. The Federal Government's definition of Misdemeanor Crimes of Domestic Violence is found
- 23 at 18 U.S.C. § 921(a)(33):
- 24 (33) (A) Except as provided in subparagraph (C), the term "misdemeanor crime of domestic
- 25 violence" means an offense that--
- 26 (i) is a misdemeanor under Federal or State law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

(B) (i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter [18 USCS §§ 921 et seq.], unless--

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter [18 USCS §§ 921 et seq.] if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

13. It is federal criminal offense for any person to sell or otherwise dispose of any firearm to a person who has been convicted of a felony. 18 U.S.C. § 922(d)(9).

14. It is federal criminal offense for any person who has been convicted of a felony to possess a firearm. 18 U.S.C. § 922(g)(9).

15. Federal Law also provides a means for felons to have their “right to keep and bear arms” restored under procedures promulgated and implemented by the Attorney General. 18 U.S.C. § 925(c).

16. Relief granted pursuant to California Penal Code 17(B) removes a conviction from the
 17 purview of the felony firearms ban under 18 U.S.C. § 922(g)(9). *See People v. Gilbreth*, 156
 18 Cal. App. 4th 53, 57 (2007) (holding that a defendant cannot be convicted of felony
 19 possession of a firearm after receiving relief pursuant to California Penal Code section 17).
 20
 17. It is federal criminal offense for any person to sell or otherwise dispose of any firearm to a
 18 person who has been convicted of a Misdemeanor Crime of Domestic Violence. 18 U.S.C. §
 19 922(d)(9).
 20
 18. It is federal criminal offense for any person who has been convicted of a Misdemeanor Crime
 21 of Domestic Violence to possess a firearm. 18 U.S.C. § 922(g)(9).
 22
 19. Thus Federal Law imposes a lifetime ban on the “right to keep and bear arms” for persons
 23 convicted of Misdemeanor Crimes of Domestic Violence, subject to the individual states’
 24 power to restore this fundamental civil right under state law.
 25
 20. California Penal Code § 29805 sets forth a list of specific crimes that subject a person
 26 convicted of certain misdemeanors to a ten (10) year prohibition against owning, possessing
 27 and purchasing firearms (and ammunition). This list includes, but is not limited to the
 28 following Misdemeanor Crimes of Domestic Violence:
 29
 30. a. Corporal Injury to Spouse/Cohabitant. CA Penal Code § 273.5(A).
 31
 32. Pursuant to Penal Code § 29805, the State of California has clearly and unequivocally set
 33 forth a policy of limiting firearms prohibitions, for persons convicted of Misdemeanor Crimes
 34 of Domestic Violence, to a ten (10) year period such that by the passage of time the
 35 misdemeanants’ “right to keep and bear arms” is restored, without qualification, by operation
 36 of law.
 37
 38. Even though The State of California has a policy of restoring the “right to keep and bear
 39 arms” through a hearing process and by operation of law (through the passage of time), the
 40 Federal Government refuses to recognize California’s restoration of rights and rehabilitation
 41 policies.
 42
 43

1 23. As a direct consequence of the Federal Government's refusal to recognize California's
 2 restoration and rehabilitation policies Plaintiff (and all other persons similarly situated)
 3 continue to be subject to a lifetime prohibition of the "right to keep and bear arms" under
 4 Federal Law, even when a restoration of rights has been granted pursuant to California Law.
 5

6 24. This interpretation of the law by the Federal Government results in five (5) wrongful and
 7 unconstitutional consequences:

- 8 a. Plaintiff (and all other persons similarly situated) are subject to federal criminal
 9 prosecution if they attempt to exercise their fundamental "right to keep and bear
 10 arms" after the State of California has restored their rights.
- 11 b. Plaintiff (and all other persons similarly situated) cannot lawfully purchase a
 12 firearm to exercise their fundamental "right to keep and bear arms" because they
 13 cannot pass the background check required by state and federal law.
- 14 c. Plaintiff (and all other persons similarly situated) are denied a federal statutory
 15 remedy to restore their "right to keep and bear arms" resulting in a denial of their
 16 right to petition the their government for redress of grievances.
- 17 d. Plaintiff, as a reduced felon, (and all other persons similarly situated) are denied a
 18 federal statutory remedy to restore their "right to keep and bear arms" even when
 19 already granted a restoration of rights under California Penal Code §§ 17(B) and
 20 29805 thus resulting in a de facto denial of equal protection of the law.
- 21 e. The executive branch of the federal government has usurped the power retained by
 22 the State of California as granted by the legislative branch of the federal
 23 government in statute, and the people, for defining a misdemeanor crime of
 24 domestic violence and defining the procedures for restoration of the "right to keep
 25 and bear arms" following a conviction for a reduced felony crime of domestic
 26 violence.

27 25. Plaintiff WORTMAN:

- 1 a. On or about May 16, 2003, Plaintiff CHRIS A. WORTMAN plead guilty and was
- 2 convicted of a felony violation of California Penal Code § 273.5(a).
- 3 b. On September 27, 2007, Plaintiff CHRIS A. WORTMAN, petitioned for a
- 4 restoration of rights under California Penal Code § 17(B)
- 5 c. On October 10, 2007, Plaintiff CHRIS A. WORTMAN's petition was granted by
- 6 the Superior Court of California.
- 7 d. On June 10, 2013, Plaintiff CHRIST A. WORTMAN was denied a firearm
- 8 purchase and advised by the State of California Department of Justice that the
- 9 denial was being maintained by the U.S. Department of Justice, Federal Bureau of
- 10 Investigation, National Instant Criminal Background Check System.
- 11 e. As of May 16, 2013, Plaintiff CHRIS A. WORTMAN's right was restored to
- 12 acquire and possess firearms under the laws of the State of California.
- 13 f. Plaintiff CHRIS A. WORTMAN is prohibited from acquiring and possessing
- 14 firearms due to threat of criminal prosecution under federal law.
- 15 g. Plaintiff CHRIS A. WORTMAN exhausted all administrative remedies by
- 16 petitioning the Federal Bureau of Investigation, the United States Attorney
- 17 General, the Bureau of Alcohol Tobacco Firearms and Explosives, and the
- 18 California Attorney General.
- 19 h. All administrative remedies have been exhausted or proved futile.

FIRST CLAIM – Declaratory Relief

- 21 26. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.
- 22 27. Pursuant to 18 U.S.C. §921(a)(3) Plaintiff has not been convicted of a crime of domestic
- 23 violence under any one of three possible theories:
 - 24 a. Chris A. Wortman was not apprized of the possibility of losing his firearm rights
 - 25 under the Misdemeanor Domestic Violence ban when he plead guilty to a felony
 - 26 crime of domestic violence, as there was/is no federal or state law prohibiting
 - 27
 - 28

1 domestic violence felons from acquiring/possessing firearms upon reduction of the
 2 felony offense. Therefore, he could not make a knowing/intelligent waiver of his
 3 right to a trial regarding the application of the misdemeanor domestic violence
 4 ban.

5 b. Chris A. Wortman applied for and was granted a restoration of his rights under
 6 California Penal Code §17(B) by a Superior Court Judge in California which
 7 satisfies the statute for restoration of civil rights for both the felony and
 8 misdemeanor bans.

9 c. And finally, the State of California restores the right to possess firearms for Felons
 10 after receiving a restoration pursuant to California Penal Code §17(B).

11 28. The plain language and legislative intent of the Laugtenberg Amendment allows restorations
 12 under the law of the applicable jurisdiction to take misdemeanor crime of domestic violence
 13 convictions out of the purview of the Laugtenberg Amendment by no longer classifying them
 14 as convictions.

15 29. Defendants have misinterpreted 18 U.S.C. §921(a)(33) so as to deprive Plaintiff of the “right
 16 to keep and bear arms” he would otherwise enjoy if the Defendants correctly applied the law.

17 SECOND CLAIM – Declaratory Relief

18 30. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

19 31. Pursuant to 18 U.S.C. §921(a)(3) Plaintiff is not considered to have been convicted of a crime
 20 of domestic violence under the following theories:

21 a. Chris A. Wortman received relief from the firearms disability pursuant to
 22 California Penal Code § 29805, which satisfies the federal statute for restoration of
 23 civil rights for the misdemeanor firearms ban.

24 b. The State of California restores the right to possess firearms for Misdemeanor
 25 Crimes after receiving a restoration pursuant to California Penal Code §29805.

26 32. The plain language and legislative intent of the Laugtenberg Amendment gives to states the
 27 authority to restore firearm rights pursuant to the law of the applicable jurisdiction.

33. Defendants have misinterpreted 18 U.S.C. §921(a)(33) so as to deprive Plaintiff of the “right to keep and bear arms” he would otherwise enjoy if the Defendants correctly applied the law.

THIRD CLAIM – Second Amendment

34. Paragraphs 1 through 33 are incorporated by reference as if fully set forth herein.

35. The Second Amendment to the United States Constitution provides in part that: "*the right of the people to keep and bear Arms shall not be infringed.*"

36. As currently interpreted and enforced, 18 U.S.C. §§ 921(a)(33), 922(d)(9) and 922(g)(9) violates the Second Amendment to the United States Constitution because it imposes a lifetime ban on the exercise of a fundamental constitutional “right to keep and bear arms” after conviction of a minor crime, which was later reduced, by denying a valid rights restoration under the law of the applicable jurisdiction.

37. As applied to the facts of this case, the Defendants' interpretations of 18 U.S.C. §§ 921(a)(33), 922(d)(9) and 922(g)(9) violates the Second Amendment to the United States Constitution because it imposes a lifetime ban on the exercise of a fundamental constitutional "right to keep and bear arms" after conviction of a minor crime, which was later reduced, by denying a valid rights restoration under the law of the applicable jurisdiction.

FOURTH CLAIM – First Amendment

38. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

39. The First Amendment to the United States Constitution provides in part that: *Congress shall make no law... abridging... the right of the people... to petition the Government for a redress of grievances.*

40. As currently interpreted and enforced, 18 U.S.C. §§ 921(a)(33), 922(d)(9) and 922(g)(9) violates the rights of the Plaintiff under the First Amendment to the United States Constitution, because it imposes a lifetime ban on the exercise of a fundamental constitutional right for a minor crime without providing a statutory remedy for restoration of that right.

41. As applied to the facts of this case, Defendant's interpretation and enforcement of 18 U.S.C. §§921(a)(33), 922(d)(9) and 922(g)(9) violates the rights of the Plaintiffs under the First

1 Amendment to the United States Constitution, because it imposes a lifetime ban on the
 2 exercise of a fundamental constitutional “right to keep and bear arms” after conviction for a
 3 minor reducible crime without providing a statutory remedy for restoration of that right and
 4 abrogating the statutory remedy for restoration under 18 U.S.C. § 921.

5 **FIFTH CLAIM – Tenth Amendment**

6 42. Paragraphs 1 through 33 are incorporated by reference as if fully set forth herein.

7 43. The Tenth Amendment to the United States Constitution provides: *“The powers not delegated*
8 to the United States by the Constitution, nor prohibited by it to the States, are reserved to the
9 States respectively, or to the people.”

10 44. As currently enforced, 18 U.S.C. §§ 921(a)(33), 922(d)(9) and 922(g)(9) violates the Tenth
 11 Amendment to the United States Constitution because it usurps the power retained by the
 12 State of California, as granted by the legislative branch of the federal government in 18
 13 U.S.C. 921(a)(33), for defining the procedures for restoration of the “right to keep and bear
 14 arms” following a conviction for a reduced felony crime of domestic violence.

15 45. As currently written, 18 U.S.C. §§ 921(a)(33), 922(d)(9) and 922(g)(9) allows the states to
 16 restore civil rights and remove the firearm ban pursuant to the law of the applicable
 17 jurisdiction. As enforced, the statute does not allow the State of California to restore civil
 18 rights pursuant to California Penal Code §§ 17(B) or 29805 even though California Penal
 19 Code §§ 17(B) or 29805 do not *“expressly [provide] that the person may not ship, transport,*
20 or receive firearms.” See 18 U.S.C. § 921(a)(33)(B)(ii).

21 46. As applied to the facts of this case, the Defendants’ interpretations of 18 U.S.C. §§
 22 921(a)(33), 922(d)(9) and 922(g)(9) violates the Tenth Amendment to the United States
 23 Constitution because it usurps the States’ powers to define and provide for the rehabilitation
 24 of minor reducible public offenses as allowed under federal statute.

25 47. This usurpation of power by the federal government is directly responsible for the
 26 infringement of the Plaintiff’s fundamental “right to keep and bear arms.”

27 **SIXTH CLAIM – Fifth Amendment**

1 48. Paragraphs 1 through 33 are incorporated by reference as if fully set forth herein.

2 49. The Fifth Amendment to the United States Constitution provides in part that: "*No person*
3 *shall... be deprived of life, liberty or property, without due process of law...*"

4 50. Part of the protection afforded Plaintiffs under the Fifth Amendment Due Process Clause
5 against the federal government is the guarantee of "equal protection" under the law.

6 51. As currently enforced, 18 U.S.C. §§ 921(a)(33), 922(d)(9) and 922(g)(9) violates the Fifth
7 Amendment to the United States Constitution because it imposes a lifetime ban on the
8 exercise of a fundamental constitutional right for a minor reduced crime by stating that the
9 applicable statutory remedy for restoration of that right does not apply, even when it has
10 already been granted under the laws of the applicable jurisdiction. See 18 U.S.C. § 921(a)(33).

11 52. As applied to the facts of this case, the Defendants' interpretations of 18 U.S.C. §§
12 921(a)(33), 922(d)(9) and 922(g)(9) violates the Fifth Amendment to the United States
13 Constitution because it imposes a lifetime ban on the exercise of a fundamental constitutional
14 right for a minor reduced crime by stating that the applicable statutory remedy for restoration
15 of that right does not apply, even when it has already been granted under the laws of the
16 applicable jurisdiction.

17

18 PRAYER FOR RELIEF

19 WHEREFORE, Plaintiff prays that this court will enter judgment as follows:

20 A. Declaratory and injunctive relief that Plaintiff is not subject to the prohibitions set forth in 18
U.S.C. §§922(d)(9) and 922(g)(9).

21 B. Declaratory and injunctive relieve that U.S.C. §§922(d)(9) and 922(g)(9) are unconstitutional
as applied to Plaintiff.

22 C. Declaratory and injunctive relief that Plaintiff's restoration of rights pursuant to California
Penal Code § 17(B) is a valid restoration pursuant to 18 U.S.C. §§ 921(a)(33).

23 D. Declaratory and injunctive relief that Plaintiff's restoration of rights pursuant to California
Penal Code § 29805 is a valid restoration pursuant to 18 U.S.C. §§ 921(a)(33).

24

25

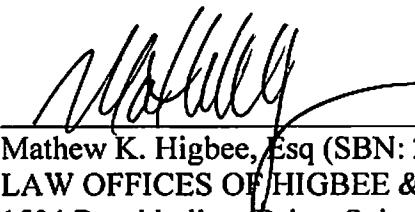
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28

1 E. Award Plaintiff his reasonable attorney fees and costs under 42 U.S.C. §§ 1983, 1988, and/or
2 18 U.S.C. § 925A.
3 F. Such other and further relief as this Court deems just and proper.
4

5 Respectfully submitted on September 15, 2014
6

7 
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12 Attorney for Plaintiff
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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Chris A. Wortman

(b) County of Residence of First Listed Plaintiff Santa Cruz
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mathew K. Higbee, LAW OFFICES OF HIGBEE & ASSOCIATES
1504 Brookhollow Drive, Suite 112, Santa Ana, CA 92705-5418
Phone: (714) 361-1967 (SBN 241380)

DEFENDANTS

United States of America; Eric Holder, U.S. Attorney General; James B. Comey, Director of FBI; Kamala Harris, California Attorney General

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. §§ 921, 922, 925A and 42 U.S.C. §§ 1983, 1988

VI. CAUSE OF ACTION

Brief description of cause:
Wrongful denial of firearm purchase clearance from Federal Government

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/15/2014

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.